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CONSTITUTION

AND

ORGANIC ACT

OF THE

STATE OF MINNESOTA

16-27288

COMPILED BY

JULIUS A. SCHMAHL

Secretary of State

1915

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ORGANIC ACT OF MINNESOTA.

An act to establish the Territorial Government of Minnesota.
[Passed March 3, 1849.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act, all that part of the territory of the United States which lies within the following limits, to-wit: Beginning in the Mississippi river at the point where the line of forty-three degrees and thirty minutes of north latitude crosses the same; thence running due west on said line, which is the northern boundary of the state of Iowa, to the northwest corner of the said state of Iowa; thence southerly along the western boundary of said state to the point where said boundary strikes the Missouri river; thence up the middle of the main channel of the Missouri river to the mouth of White Earth river; thence up the middle of the main channel of the White Earth river to the boundary line between the possessions of the United States and Great Britain, thence east and south of east along the boundary line between the possessions of the United States and Great Britain to Lake Superior; thence in a straight line to the northernmost point of the state of Wisconsin in Lake Superior; thence along the western boundary line of said state of Wisconsin to the Mississippi river; thence down the main channel of said river to the place of beginning, be and the same is hereby erected into a temporary government by the name of the Territory of Minnesota; *provided*, that nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more territories, in such manner and at such times as congress shall deem convenient and proper, or from attaching any portion of said Territory to any other state or territory of the United States.

SEC. 2. *And be it further enacted*, That the executive power and authority in and over said Territory of Minnesota shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the president of the United States. The governor shall reside within said Territory; shall be commander-in-chief of the militia thereof; shall perform the duties and receive the emoluments of superintendent of Indian affairs. He may grant pardons for offenses against the law of said Territory, and reprieves for offenses against the laws of the United States until the decision of the president can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the president of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the president of the United States, and at the same time two copies of the laws to the speaker of the house of representatives, and the president of the senate for the use of Congress. And in case of the death, removal, resignation, or necessary absence of the governor from the Territory, the secretary shall be and he is hereby authorized and required to execute and perform all the powers and the duties of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

SEC. 4. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of nine members having the qualifications of voters, as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall, at its first session, consist of eighteen members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. The number of councilors and representatives may be increased by the legislative assembly, from time to time, in proportion to the increase of population; *provided*, that the whole number shall never exceed fifteen councilors and thirty-nine representatives. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in and be inhabitants of the districts for which they may be elected, respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken, and the first election shall be held at such time and places and be conducted in such manner as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties and districts shall be entitled under this act.

The number of persons authorized to be elected having the highest number of votes, in each of said council districts for members of the council, shall be declared by the governor to be duly elected to the council, and the person or persons authorized to be elected, having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall also be declared by the governor to be duly elected members of the house of representatives; *provided*, that in case of a tie between two or more persons voted for, the

governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place on such day as the governor shall appoint, but thereafter the time, place and manner of holding and conducting all elections by the people, and the apportioning of the representation in the several counties or districts to the council and house of representatives, according to the population, shall be prescribed by law, as well as the day of the commencement of the regular session of the legislative assembly; *provided*, that no one session shall exceed the term of sixty days.

SEC. 5. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly; *provided*, that the right of suffrage and of holding office shall be exercised only by citizens of the United States and those who shall have declared on oath their intention to become such, and shall have taken an oath to support the constitution of the United States and the provisions of this act.

SEC. 6. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and if disapproved shall be null and of no effect.

SEC. 7. *And be it further enacted*, That all township, district and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Minnesota. The governor shall nominate and, by and with the advice and consent of the legislative council, appoint all officers not herein otherwise provided for, and, in the first instance, the governor alone may appoint all said officers, who shall hold their offices until the end of the next session of the legislative assembly.

SEC. 8. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 9. *And be it further enacted*, That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts,

and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually; and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts by one of the justices of the supreme court, at such time and places as may be prescribed by law; and the said judges shall, after their appointment, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of probate courts and justices of the peace, shall be as limited by law; *provided*, that the justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common law jurisdiction. Each district court, or the judges thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception and appeals shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law, but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the supreme court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party, or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction, in all cases arising under the constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive in all such cases the same fees which the clerks of the district courts of the late Wisconsin Territory received for similar services.

SEC. 10. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the president, and who shall receive the same fees and salary as the attorney of the United States for the late Territory of Wisconsin received. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the president, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United

States; he shall perform the duties, be subject to the same regulations and penalties, and be entitled to the same fees as the marshal of the district court of the United States for the late Territory of Wisconsin; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 11. *And be it further enacted,* That the governor, secretary, chief justice and associate justices, attorney and marshal, shall be nominated and by and with the advice and consent of the senate, appointed by the president of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory, duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice, or some associate justice of the supreme court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices, which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory, who may be duly commissioned and qualified; which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified and recorded in such manner and form as may be prescribed by law. The governor shall receive an annual salary of \$1,500 as governor, and \$1,000 as superintendent of Indian affairs. The chief justice and associate justice shall each receive an annual salary of \$1,800. The secretary shall receive an annual salary of \$1,800. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the session thereof, and three dollars each for every twenty miles traveled in going to and returning from the said sessions, estimated according to the nearest usually traveled route. There shall be appropriated, annually, the sum of \$1,000, to be expended by the governor to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum to be expended by the secretary of the Territory, and upon an estimate to be made by the secretary of the treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses, and the secretary of the Territory shall annually account to the secretary of the treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 12. *And be it further enacted,* That the inhabitants of the said Territory shall be entitled to all the rights, privileges and immunities heretofore granted and secured to the Territory of Wisconsin and to its inhabitants; and the laws in force in the Territory of Wisconsin at the date

of the admission of the State of Wisconsin shall continue to be valid and operative therein, so far as the same be not incompatible with the provisions of this act, subject, nevertheless, to be altered, modified or repealed by the governor and legislative assembly of the said Territory of Minnesota; and the laws of the United States are hereby extended over and declared to be in force in said Territory, so far as the same, or any provision thereof, may be applicable.

SEC. 13. *And be it further enacted*, That the legislative assembly of the Territory of Minnesota shall hold its first session in St. Paul; and at said first session the governor and legislative assembly shall locate and establish a temporary seat of government for said Territory, at such place as they may deem eligible; and shall at such time as they shall see proper prescribe by law the manner of locating the permanent seat of government of said Territory by a vote of the people. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Minnesota, to be applied by the governor and legislative assembly to the erection of suitable public buildings at the seat of government.

SEC. 14. *And be it further enacted*, That a delegate of the house of representatives of the United States, to serve for the term of two years, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other territories of the United States to the said house of representatives. The first election shall be held at such times and places and be conducted in such manner as the governor shall appoint and direct; and at all subsequent elections the times, places and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly.

SEC. 15. *And be it further enacted*, That all suits, process and proceedings, civil and criminal, at law or in chancery, and all indictments and informations, which shall be pending and undetermined in the courts of the Territory of Wisconsin, within the limits of said Territory of Minnesota, when this act shall take effect, shall be transferred to be heard, tried, prosecuted and determined in the district courts hereby established, which may include the counties or districts where any such proceedings may be pending. All bonds, recognizances, and obligations of every kind whatsoever, valid under the existing laws, within the limits of said Territory, shall be valid under this act; and all crimes and misdemeanors against the laws, in force within said limits, may be prosecuted, tried, and punished in the courts established by this act; and all penalties, forfeitures, actions and causes of action may be recovered under this act the same as they would have been under the laws in force within the limits composing said Territory at the time this act shall go into operation.

SEC. 16. *And be it further enacted*, That all justices of the peace, constables, sheriffs, and all other judicial and ministerial officers, who shall be in office within the limits of said Territory when this act shall take effect,

shall be and they are hereby authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Minnesota, temporarily, and until they or others shall be duly appointed and qualified to fill their places, in the manner herein directed, or until their offices shall be abolished.

SEC. 17. *And be it further enacted*, That the sum of \$5,000 be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended by and under the direction of the said governor of the Territory of Minnesota, in the purchase of a library, to be kept at the seat of government for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorneys of said Territory, and such other persons and under such regulations as shall be prescribed by law.

SEC. 18. *And be it further enacted*, That when the lands in said Territory shall be surveyed under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be and the same are hereby reserved for the purpose of being applied to schools in said Territory, and in the state and territories hereafter to be erected out of the same.

SEC. 19. *And be it further enacted*, That temporarily, and until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 20. *And be it further enacted*, That every bill which shall or may pass the council and house of representatives, shall, before it becomes a law, be presented to the governor of the Territory; if he approve, he shall sign it; but if not he shall return it, with his objections, to the house in which it originated; which shall cause the objections to be entered at large upon their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall also be reconsidered, and if approved by two-thirds of that house it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly, by adjournment, prevent it, in which case it shall not become a law.

ACT

AUTHORIZING A STATE GOVERNMENT.

[*Passed Feb. 26, 1857.*]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the inhabitants of that portion of the Territory of Minnesota which is embraced within the following limits, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British Possessions crosses the same; thence up the main channel of said river to that of the Bois de Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence along the northern boundary of said state to the main channel of the Mississippi river; thence up the main channel of said river, and following the boundary line of the State of Wisconsin, until the same intersects with the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and the British Possessions; thence up Pigeon river and following said dividing line to the place of beginning, be and they hereby are authorized to form for themselves a constitution and state government by the name of the State of Minnesota, and to come into the Union on an equal footing with the original states, according to the Federal Constitution.

SEC. 2. *And be it further enacted,* That the State of Minnesota shall have concurrent jurisdiction on the Mississippi and all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said state and any state or states now or hereafter to be formed or bounded by the same; and said river or waters leading into the same shall be common highways, and forever free, as well to the inhabitants of said state as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

SEC. 3. *And be it further enacted,* That on the first Monday in June next, the legal voters in each representative district then existing within the limits of the proposed state, are hereby authorized to elect two delegates for

each representative to which said district shall be entitled according to the apportionment for representatives to the territorial legislature; which election for delegates shall be held and conducted, and the returns made, in all respects in conformity with the laws of said Territory regulating the election of representatives, and the delegates so elected shall assemble at the capitol of said Territory on the second Monday in July next, and first determine by a vote whether it is the wish of the people of the proposed State to be admitted into the Union at that time; and if so, shall proceed to form a constitution, and take all necessary steps for the establishment of a state government, in conformity with the Federal Constitution, subject to the approval and ratification of the people of the proposed State.

SEC. 4. *And be it further enacted*, That in the event said convention shall decide in favor of the immediate admission of the proposed State into the Union, it shall be the duty of the United States marshal for said Territory to proceed to take a census or enumeration of the inhabitants within the limits of the proposed State, under such rules and regulations as shall be prescribed by the secretary of the interior, with the view of ascertaining the number of representatives to which said State may be entitled in the Congress of the United States. And said State shall be entitled to one representative, and such additional representatives as the population of the State shall, according to the census, show it would be entitled to according to the present ratio of representation.

SEC. 5. *And be it further enacted*, That the following propositions be and the same are hereby offered to the said convention of the people of Minnesota for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory on the United States, and upon the said State of Minnesota, to-wit:

First—That sections numbered sixteen and thirty-six in every township of public lands in said State, and where either of said sections, or any part thereof, has been sold or otherwise been disposed of, other lands, equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of schools.

Second—That seventy-two sections of land shall be set apart and reserved for the use and support of a state university, to be selected by the governor of said State, subject to the approval of the commissioner at the general land office, and to be appropriated and applied in such manner as the legislature of said State may prescribe; for the purpose aforesaid, but for no other purpose.

Third—Ten entire sections of land to be selected by the governor of said State, in legal subdivisions, shall be granted to said State for the purpose of completing the public buildings, or for the erection of others at the seat of government, under the direction of the legislature thereof.

Fourth—That all salt springs within said State, not exceeding twelve in number, with six sections of land adjoining or as contiguous as may be to each, shall be granted to said State for its use; and the same to be selected by the governor thereof within one year after the admission of said State, and, when so selected, to be used or disposed of on such terms, conditions

and regulations as the legislature shall direct; *provided*, that no salt spring or land the right whereof is now vested in any individual or in individuals, or which may be hereafter confirmed or adjudged to any individual or individuals, shall by this article be granted to said State.

Fifth—That five per centum of the net proceeds of sales of all public lands lying within said State, which shall be sold by Congress after the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to said State for the purpose of making public roads and internal improvements as the legislature shall direct; *provided*, the foregoing propositions herein offered are on the condition that the said convention which shall form the constitution of said State shall provide, by a clause in said constitution, or an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same by the United States, or with any regulations Congress may find necessary for securing the title in said soil to *bona fide* purchasers thereof; and that no tax shall be imposed on lands belonging to the United States, and that in no case shall non-resident proprietors be taxed higher than residents.

CONSTITUTION

OF THE

STATE OF MINNESOTA.

Adopted October 13, 1857. Ayes, 30,055; Noes, 571.

ARTICLE—

1. Bill of rights.
2. Name and boundaries.
3. Distribution of the powers of government.
4. Legislative department.
5. Executive department.
6. Judiciary.
7. Elective Franchise.
8. School funds, education and science.

ARTICLE—

9. Finances of the state and banks and banking.
10. Corporations having no banking privileges.
11. Counties and townships.
12. Of the militia.
13. Impeachment and removal from office.
14. Amendments to the constitution.
15. Miscellaneous subjects schedule.

Preamble. We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this constitution:

ARTICLE I.

BILL OF RIGHTS.

Object of government. SECTION 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such government, whenever the public good may require it.

Rights and privileges. SEC. 2. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Liberty of the press. SEC. 3. The liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Right of trial by jury. SEC. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases

in the manner prescribed by law; [and the legislature may provide that the agreement of five-sixths of any jury in any civil action or proceeding, after not less than six (6) hours' deliberation, shall be a sufficient verdict therein.]*

No excessive bail or unusual punishments. SEC. 5. Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

Rights of accused in criminal prosecutions. SEC. 6. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the county or district wherein the crime shall have been committed, which county or district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense. (a).

Further rights of accused—when bailable. SEC. 7. No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons shall before conviction be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended unless when in case of rebellion or invasion the public safety may require.

Redress of injuries or wrongs. SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformable to the laws.

Treason defined. SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Right against unreasonable searches. SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

*The clause in brackets was adopted Nov. 4, 1890.

(a) The jury contemplated by article 1, section 6, securing the right to jury trial in criminal cases, is a body of twelve men, and it is error to try a party charged with crime in a justice court, against his objection, with a jury of six. The fact that he may appeal to the district court, on entering into recognizance with sureties, does not change the rule. 14 Minn. 330.

Prohibits *ex post facto* laws, or laws impairing contracts. SEC. 11. No bill of attainder, *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Imprisonment for debt—property exemption. SEC. 12. No person shall be imprisoned for debt in this State, (a) but this shall not prevent the legislature from providing for imprisonment, or holding to bail, persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale for the payment of any debt or liability. The amount of such exemption shall be determined by law. [*Provided, however, that all property so exempted shall be liable to seizure and sale for any debts incurred to any person for work done or materials furnished in the construction, repair or improvement of the same, and provided further, that such liability to seizure and sale shall also extend to all real property for any debt incurred to any laborer or servant for labor or service performed.*]*

Private property for public use. SEC. 13. Private property shall not be taken, destroyed or damaged for public use without just compensation therefor, first paid or secured.†

Military power subordinate. SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

Lands declared allodial—leases, when void. SEC. 15. All lands within the State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural lands for a longer period than twenty-one years hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

Freedom of conscience—no preference to be given to any religious establishment or mode of worship. SEC. 16. The enumeration of rights in this constitution shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect or support any place of worship, or to maintain any religious or ecclesiastical ministry, against his consent; nor shall any control of or interference with the rights of conscience be permitted, or any preference to be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of the State, nor shall any money be drawn from the treasury for the benefit of any religious societies, or religious or theological seminaries.

(a) 23 Minn. 1; 23 Minn. 411.

*The clause in brackets was adopted Nov. 6, 1888.

†The words "destroyed or damaged" inserted by amendment adopted Nov. 3, 1896.

No religious test or property qualification to be required. SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any court of law or equity in consequence of his opinion upon the subject of religion.

No license to peddle. SEC. 18. Any person may sell or peddle the products of the farm or garden occupied and cultivated by him without obtaining a license therefor.*

ARTICLE II.

ON NAME AND BOUNDARIES.

Name and boundaries. SECTION 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of and have jurisdiction over the territory embraced in the following boundaries, to-wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and British possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux river; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone lake; thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi river; thence up the main channel of said river and following the boundary line of the State of Wisconsin until the same intersects the St. Louis river; thence down the said river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British possessions; thence up Pigeon river and following said dividing line to the place of beginning.**

*Adopted Nov. 6, 1906.

**The northern boundary of the state at the Lake of the Woods is projected beyond the 49th parallel a distance of about twenty miles, making a wedge-shaped jog through the lake until it strikes firm ground on the west bank of the lake; thence in a due south line to the 49th parallel. The explanation of this jog is found in the subjoined paragraphs. In the seventh article of the treaty of Ghent, section 19 reads as follows: Sec. 19. Resolved that the following described (also represented on said map as before mentioned), is, in the opinion of the commissioners, so far as the same extends, the true boundary intended by the before mentioned treaties, namely: * * * thence through the middle of the waters of this bay to the northwest extremity of the same; being the most northwestern point of the Lake of the Woods, and from a monument in this bay, on the nearest firm ground to the above northwest extremity of said bay, the courses and distances are as follows: 56° W. 1,565½ feet; 2d, N. 6° W. 861½ feet; 3d, N. 28° W. 615.4 feet; 4th, N. 27° 10' W. 495.4 feet; 5th, N. 5° 10' E. 1,322½ feet; 6th, N. 70° 45' W. 493 feet, the variation being 12° east. The

Jurisdiction on bordering rivers. SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi and on all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other state or states now or hereafter to be formed by the same; and said rivers and waters, and navigable waters leading into the same, shall be common highways and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost, or toll therefor.

Acceptance of propositions in enabling act. SEC. 3. The propositions contained in the act of Congress entitled, "An act to authorize the people of the Territory of Minnesota to form a constitution and state government, preparatory to their admission into the Union on equal footing with the original states," are hereby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE III.

DISTRIBUTION OF THE POWERS OF GOVERNMENT.

Division of powers. SECTION 1. The powers of government shall be divided into three distinct departments—legislative, executive, and judicial; and no person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this constitution. (a)

termination of this 6th and last course and distance being the above said most northwestern point of the Lake of the Woods, as designated by the seventh article of the treaty of Ghent, and being in latitude 49° 23' 55" north of the equator, and in longitude 95° 14' 38" west from Greenwich. The second article of the convention of 1818 is as follows: Article 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the 49th parallel of north latitude, or, if the said point shall not be in the 49th parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west, along and with the said parallel, shall be the line of demarkation between the territories of the United States and His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of His Britannic Majesty, from the Lake of the Woods to the Stony Mountains. This boundary was re-established and determined by a commission authorized by congress, and the surveys embracing four years were made and reported to congress in 1877.

(a) Courts cannot control or interfere with an executive officer of the state in his official acts, even though they are such that the duty to perform them might have been entrusted to some other officer. 28 Minn. 50.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislature meets biennially—length of session. SECTION 1. The legislature shall consist of the Senate and House of Representatives, which shall meet biennially at the seat of government of the State, at such time as shall be prescribed by law, but no session shall exceed the term of ninety (90) legislative days; and no new bill shall be introduced in either branch, except on the written request of the governor, during the last twenty (20) days of such sessions, except the attention of the legislature shall be called to some important matter of general interest by a special message from the governor.

Apportionment of members. SEC. 2. The number of members who compose the Senate and House of Representatives shall be prescribed by law, but the representatives in the Senate shall never exceed one member for every 5,000 inhabitants, and in the House of Representatives one member for every 2,000 inhabitants. The representation in both houses shall be apportioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

Eligibility of members—quorum. SEC. 3. Each house shall be the judge of the election returns and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

Rules of government. SEC. 4. Each house may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member; but no member shall be expelled the second time for the same offense.

Officers—journal of proceedings. SEC. 5. The House of Representatives shall elect its presiding officer and the Senate and House of Representatives shall elect such other officers as may be provided by law; they shall keep journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such journals.

Length of adjournments. SEC. 6. Neither house shall, during a session of the legislature, adjourn for more than three days (Sundays excepted), nor to any other place than that in which the two houses shall be assembled, without the consent of the other house.

Compensation. SEC. 7. The compensation of senators and representatives shall be three dollars per diem during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing House of Representatives may have been elected.

Privileged from arrest. SEC. 8. The members of each house shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the session of their respective houses, and in going to or returning from the same. For any speech or debate in either house they shall not be questioned in any other place.

Restriction as to holding office. SEC. 9. No senator or representative shall, during the time for which he is elected, hold any office under the authority of the United States or the State of Minnesota, except that of postmaster, and no senator or representative shall hold an office under the state which has been created or the emoluments of which have been increased during the session of the legislature of which he was a member, until one year after the expiration of his term of office in the legislature.

Bills of revenue to originate in House. SEC. 10. All bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose and concur with amendments as on other bills.

Approval of bills by Governor—action on non-approval. SEC. 11. Every bill which shall have passed the Senate and House of Representatives, in conformity to the rules of each house and the joint rules of the two houses, shall, before it becomes a law, be presented to the governor of the State. If he approve, he shall sign and deposit it in the office of secretary of state for preservation, and notify the house where it originated of the fact. But if not, he shall return it, with his objections, to the house in which it shall have originated; when such objections shall be entered at large on the journal of the same, and the house shall proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if it be approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment within that time, prevents its return; in which case it shall not be a law. The governor may approve, sign and file in the office of the secretary of state, within three days after the adjournment of the legislature, any act passed during the last three days of the session, and the same shall become a law.

Governor may cut out items of appropriation bills and otherwise approve. If any bill presented to the governor contain several items of appropriation of money, he may object to one or more of such items, while approving of the other portion of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the appropriation so objected to shall not take effect. If the legislature be in session, he shall transmit to the house in which the bill originated a copy of such statement, and the items objected to shall be separately reconsidered.

If, on reconsideration, one or more of such items be approved by two-thirds of the members elected to each house, the same shall be a part of the law, notwithstanding the objections of the governor. All the provisions of this section, in relation to bills not approved by the governor, shall apply in cases in which he shall withhold his approval from any item or items contained in a bill appropriating money.

Money appropriations, how made. SEC. 12. No money shall be appropriated except by bill. Every order, resolution or vote requiring the concurrence of the two houses (except such as relate to the business or adjournment of the same) shall be presented to the governor for his signature, and, before the same shall take effect, shall be approved by him, or, being returned by him with his objections, shall be repassed by two-thirds of the members of the two houses, according to the rules and limitations prescribed in case of a bill.

Majority vote of all members-elect to pass a law. SEC. 13. The style of all laws of this State shall be: "Be it enacted by the Legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the legislature, and the vote entered upon the journal of each house.

Impeachment powers. SEC. 14. The House of Representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate; and when sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

Exclusion from civil rights. SEC. 15. The legislature shall have full power to exclude from the privilege of electing or being elected any person convicted of bribery, perjury, or any other infamous crime.

Protest and dissent of members. SEC. 16. Two or more members of either house shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the journal.

Vacancies in legislature. SEC. 17. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature. The legislature shall prescribe by law the manner in which evidence in cases of contested seats in either house shall be taken.

Punish for disorderly conduct. SEC. 18. Each house may punish by imprisonment, during its session, any person, not a member, who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours.

Open sessions. SEC. 19. Each house shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy.

Reading of bills. SEC. 20. Every bill shall be read on three different days in each separate house, unless, in case of urgency, two-thirds of the house where such bill is depending shall deem it expedient to dispense with this rule; and no bill shall be passed by either house until it shall have been previously read twice at length.

Enrollment of bills. SEC. 21. Every bill having passed both houses shall be carefully enrolled, and shall be signed by the presiding officer of each house. Any presiding officer refusing to sign a bill which shall have previously passed both houses shall thereafter be incapable of holding a seat in either branch of the legislature, or hold any other office of honor or profit in the State, and in case of such refusal, each house shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the governor.

Passage of bills on last day of session prohibited. SEC. 22. No bill shall be passed by either house of the legislature upon the day prescribed for the adjournment of the two houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one house to the other, or the reports thereon from committees, or its transmission to the executive for his signature.

Census enumeration—apportionment. SEC. 23. The legislature shall provide by law for an enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the legislature shall have the power to prescribe the bounds of congressional, senatorial and representative districts, and to apportion anew the senators and representatives among the several districts according to the provisions of section second of this article.

Senatorial districts—term of office of senators and representatives. SEC. 24. The senators shall also be chosen by single districts of convenient contiguous territory, at the same time that members of the house of representatives are required to be chosen, and in the same manner; and no representative district shall be divided in the formation of a senate district. The senate districts shall be numbered in a regular series. The terms of office of senators and representatives shall be the same as now prescribed by law until the general election of the year one thousand eight hundred and seventy-eight (1878), at which time there shall be an entire new election of all the senators and representatives. Representatives chosen at such election, or at any election thereafter, shall hold their office for the term of two years, except it be to fill a vacancy; and the senators chosen at such election by districts designated as odd numbers shall go out of office at the expiration of the second year, and senators chosen by districts designated by even numbers shall go out of office at the expiration of the fourth year; and thereafter senators shall be chosen for four years, except there shall be an entire new election of all the senators at the election of representatives next succeeding each new apportionment provided for in this article.

Qualification of legislators. SEC. 25. Senators and representatives shall be qualified voters of the State, and shall have resided one year in the State and six months immediately preceding the election in the district from which they are elected.

Senators to Congress. SEC. 26. Members of the Senate of the United States from this State shall be elected by the two houses of the legislature in joint convention, at such time and in such manner as may be provided by law.

Laws to embrace only one subject. SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

Divorces. SEC. 28. Divorces shall not be granted by the legislature.

Oath of office. SEC. 29. All members and officers of both branches of the legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

Elections viva voce. SEC. 30. In all elections to be made by the legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the journal.

Prohibition of lotteries. SEC. 31. The legislature shall never authorize any lottery or the sale of lottery tickets.

Change of form of taxation of railroads to be voted upon. SEC. 32. [a] Any law providing for the repeal or amendment of any law or laws heretofore or hereafter enacted, which provides that any railroad company now existing in this State or operating its road therein, or which may be hereafter organized, shall, in lieu of all other taxes and assessments upon their real estate, roads, rolling stock, and other personal property, at and during the time and periods therein specified, pay into the treasury of this State a certain percentage therein mentioned of the gross earnings of such railroad companies now existing or hereafter organized, shall, before the same shall take effect or be in force, be submitted to a vote of the people of the State, and be adopted and ratified by a majority of the electors of the State voting at the election at which the same shall be submitted to them.

Internal improvement lands—investment of proceeds in bonds. SEC. 32. [b] All lands donated to the State of Minnesota for the purpose of internal improvement, under the eighth section of the act of Congress, approved September fourth, eighteen hundred and forty-one, being "An act to appropriate the proceeds of the sale of the public lands, and to grant pre-emption rights," shall be appraised and sold, in the same manner and by the same officers, and the minimum price shall be the same as is provided by law for the appraisement and sale of the school lands, under the provisions of title one (1), chapter thirty-eight, of the General Statutes, except the modifications hereinafter mentioned. All moneys derived from the sales of said lands shall be invested in the bonds of the United States, or of the State of

Minnesota issued since 1860; and the moneys so invested shall constitute the Internal Improvement Land Fund of the State. All moneys received by the county treasurer under the provisions of title one (1), chapter thirty-eight (38), aforesaid, derived from the sale of internal improvement lands, shall be held at all times subject to the order and direction of the state treasurer, for the benefit of the fund to which it belongs; and on the fifteenth day of June in each year, and at such other times as he may be requested so to do by the state treasurer, he shall pay over to the said state treasurer all moneys received on account of such fund.

The bonds purchased in accordance with this amendment shall be transferable only upon the order of the governor, and on each bond shall be written "Minnesota Internal Improvement Land Fund of the State, transferable only on the order of the governor."

Principal not to be reduced. The principal sum from all sales of internal improvement lands shall not be reduced by any charges or costs of officers, by fees, or by any other means whatever; and section fifty (50), of title one (1), of chapter thirty-eight (38), of the General Statutes, shall not be applicable to the provisions of this amendment, and wherever the words "school lands" are used in said title, it shall read as applicable to this amendment, "Internal Improvement Lands."

Appropriations therefrom to be voted upon before valid. The moneys belonging to the Internal Improvement Land Fund shall not be appropriated for any purpose whatever until the enactment for that purpose shall have been approved by a majority of the electors of the State voting at the annual general election following the passage of the act. (a)

The force of this amendment shall be to authorize the sale of the internal improvement lands, without further legislative enactment.

Against special legislation. SEC. 33. In all cases when a general law can be made applicable, no special law shall be enacted; and whether a general law could have been made applicable in any case is hereby declared a judicial question, and as such shall be judicially determined without regard to any legislative assertion on that subject. The legislature shall pass no local or special law regulating the affairs of, or incorporating, erecting or changing the lines of, any county, city, village, township, ward or school district, or creating the offices, or prescribing the powers and duties of the officers of, or fixing or relating to the compensation, salary or fees of the same, or the mode of election or appointment thereto, authorizing the laying out, opening, altering, vacating or maintaining roads, highways, streets or alleys; remitting fines, penalties or forfeitures; regulating the powers, duties and practice of justices of the peace, magistrates and constables; changing the names of persons, places, lakes or rivers; for opening and conducting of elections, or fixing or changing the places of voting;

(a) By chapter 71, G. L. of 1881, extra session, the proceeds of this fund were pledged to the payment of Minnesota State Railroad adjustment bonds, and the law was voted upon and approved at the general election of 1884, by 31,011 votes in favor and 13,589 votes against.

authorizing the adoption or legitimation of children; changing the law of descent or succession; conferring rights upon minors; declaring any named person of age; giving effect to informal or invalid wills or deeds, or affecting the estates of minors or persons under disability; locating or changing county seats; regulating the management of public schools, the building or repairing of schoolhouses, and the raising of money for such purposes; exempting property from taxation, or regulating the rate of interest on money; creating corporations, or amending, renewing, extending or explaining the charters thereof; granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever, or authorizing public taxation for a private purpose. *Provided, however,* That the inhibitions of local or special laws in this section shall not be construed to prevent the passage of general laws on any of the subjects enumerated.

Repeal of existing special laws. The legislature may repeal any existing special or local law, but shall not amend, extend or modify any of the same.

Refers to amendment of 1881, superseded as above. SEC. 34. The legislature shall provide general laws for the transaction of any business that may be prohibited by section one (1) of this amendment, and all such laws shall be uniform in their operation throughout the State.

Against combinations or pools to affect markets. SEC. 35. Any combinations of persons, either as individuals or as members or officers of any corporation, to monopolize the markets for food products in this State, or to interfere with, or restrict the freedom of, such markets, is hereby declared to be a criminal conspiracy, and shall be punished in such manner as the legislature may provide.

City or village may frame its own charter—charter to be submitted to voters. SEC. 36. Any city or village in this State may frame a charter for its own government as a city consistent with and subject to the laws of this State, as follows: The legislature shall provide, under such restrictions as it deems proper, for a board of fifteen freeholders, who shall be and for the past five years shall have been qualified voters thereof, to be appointed by the district judges of the judicial district in which the city or village is situated, as the legislature may determine, for a term in no event to exceed six years, which board shall, within six months after its appointment, return to the chief magistrate of said city or village draft of said charter, signed by the members of said board, or a majority thereof. Such charter shall be submitted to the qualified voters of such city or village at the next election thereafter, and if four-sevenths of the qualified voters voting at such election shall ratify the same it shall, at the end of thirty days thereafter, become the charter of such city or village as a city, and supersede any existing charter and amendments thereof; *provided,* that in cities having patrol limits now established, such charters shall require a three-fourths majority vote of the qualified voters voting at such election to change the patrol limits now established.

Legislature to prescribe general limits of charter—amendment of charter—upon application of 5 per cent of legal voters. Before any city shall incorporate under this act the legislature shall prescribe by law the general limits within which such charter shall be framed. Duplicate certificates shall be made setting forth the charter proposed and its ratification, which shall be signed by the chief magistrate of said city or village and authenticated by its corporate seal. One of said certificates shall be deposited in the office of secretary of state, and the other, after being recorded in the office of the register of deeds for the county in which such city or village lies, shall be deposited among the archives of such city or village, and all courts shall take judicial notice thereof. Such charter so deposited may be amended by proposal therefor made by a board of fifteen commissioners aforesaid, published for at least thirty days in three newspapers of general circulation in such city or village, and accepted by three-fifths of the qualified voters of such city or village voting at the next election, and not otherwise; but such charter shall always be in harmony with and subject to the Constitution and laws of the State of Minnesota. The legislature may prescribe the duties of the commission relative to submitting amendments of charter to the vote of the people and shall provide that upon application of five per cent of the legal voters of any such city or village, by written petition, such commission shall submit to the vote of the people proposed amendments to such charter set forth in said petition. The board of freeholders above provided for shall be permanent, and all the vacancies by death, disability to perform duties, resignation or removal from the corporate limits, or expiration of term of office, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

Mayor and legislative body. It shall be a feature of all such charters that there shall be provided, among other things, for a mayor or chief magistrate, and a legislative body of either one or two houses; if of two houses, at least one of them shall be elected by general vote of the electors.

Articles of amendment may be submitted separately. In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate section or article may be presented for the choice of the voters, and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

General laws for cities by divisions of population. The legislature may provide general laws relating to affairs of cities, the application of which may be limited to cities of over fifty thousand inhabitants, or to cities of fifty and not less than twenty thousand inhabitants, or to cities of twenty and not less than ten thousand inhabitants, or to cities of ten thousand inhabitants or less, which shall apply equally to all such cities of either class, and which shall be paramount while in force to the provisions relating to the same matter included in the local charter herein provided for. But no local charter, provision or ordinance passed thereunder shall supersede any general law of the State defining or punishing crimes or misdemeanors.

ARTICLE V.

EXECUTIVE DEPARTMENT.

Officers in executive department. SECTION 1. The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer and attorney general who shall be chosen by the electors of the State. (a)

Election returns to be sent to secretary of state. SEC. 2. The returns of every election for the officers named in the foregoing section shall be made to the secretary of state, who shall call to his assistance two or more of the judges of the supreme court, and two disinterested judges of the district courts of the State, who shall constitute a board of canvassers, who shall open and canvass said returns and declare the result within three days after such canvass.

Official term of governor and lieutenant governor—qualifications. SEC. 3. The term of office for the governor and lieutenant governor shall be two years, and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the State for one year next preceding his election. Both shall be citizens of the United States.

Powers and duties of governor. SEC. 4. The governor shall communicate by message to each session of the legislature such information touching the state and condition of the country as he may deem expedient. He shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power, in conjunction with the board of pardons, of which the governor shall be *ex officio* a member, and the other members of which shall consist of the attorney general of the State of Minnesota and the chief justice of the supreme court of the State of Minnesota, and whose powers and duties shall be defined and regulated by law, to grant reprieves and pardons after conviction for offenses against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint a state librarian and notaries public, and such other officers as may be provided by law. He shall have power to appoint commissioners to take the acknowledgment of deeds or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the legislature, under such rules and limitations as are in this Constitution prescribed. He may on extra-

(a) An executive officer of the state is not subject to the control or interference of the judiciary in the performance of duties belonging to him as an executive officer, and no act done, or threatened to be done, by him in his official capacity can be brought under judicial control or interference by mandamus or injunction, even when the act is purely ministerial. 29 Minn. 555.

ordinary occasions convene both houses of the legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of secretary of state, treasurer, auditor, attorney general, and such other state and district offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

Official term of other executive officers. SEC. 5. The official term of the secretary of state, treasurer and attorney general shall be two (2) years. The official term of the state auditor shall be four (4) years, and each shall continue in office until his successor shall have been elected and qualified. The further duties and salaries of said executive officers shall each be prescribed by law.

Duties of lieutenant governor. SEC. 6. The lieutenant governor shall be ex officio president of the Senate; and in case a vacancy shall occur, from any cause whatever, in the office of governor, he shall be governor during such vacancy. The compensation of lieutenant governor shall be double the compensation of a state senator. Before the close of each session of the Senate they shall elect a president pro tempore, who shall be lieutenant governor in case a vacancy should occur in that office.

Official terms of first State officers—(Obsolete.) SEC. 7. The term of each of the executive officers named in this article shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the auditor, who shall continue in office till the first Monday of January, 1861; and until their successors shall have been duly elected and qualified; and the same above mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the State Constitution, who have not already taken the oath of office, and commenced the performance of their official duties.

Oath of office to be taken by State officers. SEC. 8. Each officer created by this article shall, before entering upon his duties, take an oath or affirmation to support the Constitution of the United States and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

(Obsolete.) SEC. 9. Laws shall be passed at the first session of the legislature after the State is admitted into the Union to carry out the provisions of this article.

ARTICLE VI.

JUDICIARY.

Judicial powers. SECTION. 1. The judicial power of the State shall be vested in a supreme court, district courts, courts of probate, justices of the peace, and such other courts, inferior to the supreme court, as the legislature may from time to time establish by a two-thirds vote.

Supreme court—jurisdiction and powers—reporter of decisions—clerk of supreme court. SEC. 2. The supreme court shall consist of one chief justice and two associate justices, but the number of the associate justices may be increased to a number not exceeding four, by the legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said court. It shall hold one or more terms in each year, as the legislature may direct, at the seat of government, and the legislature may provide, by a two-thirds vote, that one term in each year shall be held in each or any judicial district. It shall be the duty of such court to appoint a reporter of its decisions. There shall be chosen, by the qualified electors of the State, one clerk of the supreme court, who shall hold his office for the term of four years, and until his successor is duly elected and qualified, and the judges of the supreme court, or a majority of them, shall have the power to fill any vacancy in the office of clerk of the supreme court until an election can be regularly had.

Election and term of office for judges. SEC. 3. The judges of the supreme court shall be elected by the electors of the State at large, and their term of office shall be six years, and until their successors are elected and qualified.

District judges may act where supreme judges are disqualified. Whenever all or a majority of the judges of the supreme court shall, from any cause, be disqualified from sitting in any case in said court, the governor, or, if he shall be interested in the result of such case, then the lieutenant governor, shall assign judges of the district court of the State, who shall sit in such case in place of such disqualified judges, with all the powers and duties of judges of the supreme court.

Judicial districts for district courts—election of judges—term of office and residence. SEC. 4. The State shall be divided by the legislature into judicial districts, which shall be composed of contiguous territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each judicial district, one or more judges, as the legislature may prescribe, shall be elected by the electors thereof, whose term of office shall be six years, and each of said judges shall severally have and exercise the powers of the court, under such limitations as may be prescribed by law. Every district judge shall, at the time of his election, be a resident of the district for which he shall be elected, and shall reside therein during his continuance in office. In case any court of common pleas heretofore established shall be abolished, the judge of said court may be constituted by the legislature one of the judges of the district court of the district wherein such court has been so established for a period not exceeding the unexpired term for which he was elected.

Jurisdiction of district courts. SEC. 5. The district courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months' imprisonment or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The legislature may provide by law that the judge of one district may discharge the duties of judge of any other district not his own, when convenience or the public interest may require it.

Qualifications. SEC. 6. The judges of the supreme and district courts shall be men learned in the law, and shall receive such compensation at stated times as may be prescribed by the legislature; which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services.

Probate court—judges to be elected—jurisdiction. SEC. 7. There shall be established in each organized county in the State a probate court, which shall be a court of record, and be held at such time and places as may be prescribed by law. It shall be held by one judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office; and his compensation shall be provided by law. He may appoint his own clerk where none has been elected; but the legislature may authorize the election, by the electors of any county, of one clerk or register of probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A probate court shall have jurisdiction over the estates of deceased persons and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution.

Justices of the peace to be elected—jurisdiction. SEC. 8. The legislature shall provide for the election of a sufficient number of justices of the peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law. *Provided*, That no justice of the peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months' imprisonment, or a fine over one hundred dollars, nor in any cause involving the title to real estate.

Judges for other courts to be elected. SEC. 9. All judges other than those provided for in this Constitution shall be elected by the electors of the judicial district, county, or city, for which they shall be created, not for a longer term than seven years.

Vacancies—appointment by governor. SEC. 10. In case the office of any judge become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the governor, until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Prohibition, supreme or district judges to hold other offices or to be voted for office while in office. SEC. 11. The justices of the supreme court and the district courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this Constitution, except a judicial office given by the legislature or the people, during their continuance in office, shall be void.

Change of judicial districts. SEC. 12. The legislature may at any time change the number of judicial districts or their boundaries, when it shall be deemed expedient; but no such change shall vacate the office of any judge.

Clerk of court. SEC. 13. There shall be elected in each county where a district court shall be held, one clerk of said court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

Legal pleadings. SEC. 14. Legal pleadings and proceedings in the courts of this State shall be under the direction of the legislature. The style of all process shall be, "The State of Minnesota," and all indictments shall conclude, "against the peace and dignity of the State of Minnesota."

Court commissioner—powers and jurisdiction. SEC. 15. The legislature may provide for the election of one person in each organized county in this State, to be called a court commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a judge of the district court at chambers; or the legislature may, instead of such election, confer such power and jurisdiction upon the judges of probate in the State.

ARTICLE VII.

ELECTIVE FRANCHISE.

Elective franchise. SECTION 1. What persons are entitled to vote:

Residence required. Every male person of the age of twenty-one (21) years or upwards belonging to either of the following classes who has resided in this State six (6) months next preceding any election shall be entitled to vote at such election in the election district of which he shall at the time have been for thirty (30) days a resident, for all officers that now are, or hereafter may be, elective by the people.

Citizens of the United States. *First*—Citizens of the United States who have been such for the period of three (3) months next preceding any election.

Mixed Indians. *Second*—Persons of mixed white and Indian blood, who have adopted the customs and habits of civilization.

Pure Indians having adopted habits of civilization. *Third*—Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before any district court of the State, in such manner as may be provided by law, and shall have been pronounced by said court capable of enjoying the rights of citizenship within the State.

Non-eligible. SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights; and no person under guardianship, or who may be *non compos mentis* or insane, shall be entitled or permitted to vote at any election in this State.

Residence not lost in certain cases. SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State or of the United States; nor while a student in any seminary of learning; nor while kept at any almshouse or asylum; nor while confined in any public prison.

Soldiers and sailors—restriction. SEC. 4. No sailor, seaman or marine in the army or navy of the United States shall be deemed a resident of this State in consequence of being stationed within the same.

Civil process suspended on election day. SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process.

Elections by ballots. SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen.

Right to hold office. SEC. 7. Every person who by the provisions of this article shall be entitled to vote at any election shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this Constitution, or the Constitution and law of the United States. (a)

Women may vote and be eligible. SEC. 8. Women may vote for school officers and members of library boards, and shall be eligible to hold any office pertaining to the management of schools or libraries.

Any woman of the age of twenty-one (21) years and upward and possessing qualifications requisite to a male voter may vote at any election held for the purpose of choosing any officer of schools or any members of library boards, or upon any measure relating to schools or libraries, and shall be eligible to hold any office pertaining to the management of schools and libraries.

Official year of the State. SEC. 9. The official year for the State of Minnesota shall commence on the first Monday in January in each year, and all terms of office shall terminate at that time; and the general election shall be held on the first Tuesday after the first Monday in November. The first general election for State and county officers, except judicial officers, after the adoption of this amendment, shall be held in the year A. D. one thousand eight hundred and eight-four (1884), and thereafter the general election shall be held biennially. All state, county or other officers elected

(a) Held restrictive and to disqualify a person from holding an elective office who was not eligible at the date of his election, though eligible at the beginning of the term. 45 Minn. 309.

at any general election, whose terms of office would otherwise expire on the first Monday of January, A. D. one thousand eight hundred and eighty-six (1886), shall hold and continue in such offices, respectively, until the first Monday in January, one thousand eight hundred and eighty-seven (1887).

ARTICLE VIII.

SCHOOL FUNDS, EDUCATION AND SCIENCE.

Uniform system of public schools. SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature to establish a general and uniform system of public schools. (a)

Proceeds of school lands to be a perpetual fund. SEC. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of schools within each township of this State shall remain a perpetual school fund to the State; and not more than one-third (1-3) of said lands may be sold in two (2) years, one-third (1-3) in five (5) years, and one-third (1-3) in ten (10) years; but the lands of the greatest valuation shall be sold first; *provided*, that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales or other disposition of lands or other property, granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school land shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township, between the ages of five and twenty-one years; and shall be faithfully applied to the specific objects of the original grants or appropriations.

Investment of funds. Suitable laws shall be enacted by the legislature for the safe investment of the principal of all funds which have heretofore arisen or which may hereafter arise from the sale or other disposition of such lands, or the income from such lands accruing in any way before the sale or disposition thereof, in interest-bearing bonds of the United States, or of the State of Minnesota, issued after the year one thousand eight hundred and sixty (1860), or of such other state as the legislature may, by law, from time to time direct.

Swamp lands—division of proceeds. All swamp lands now held by the State, or that may hereafter accrue to the State, shall be appraised and sold in the same manner and by the same officers, and the minimum price shall be the same less one-third (1-3), as is provided by law for the appraisal and sale of the school lands under the provisions of title one (1) of

(a) Article 8, section 1, which directs the establishment of a general and uniform system of public schools, does not prohibit the legislature from providing public schools other than those included in the general system, or creating exceptional districts, to meet particular and exceptional cases; and the exception from the operation of a general law relating to public schools of independent school districts, and schools specially provided for, does not violate the constitutional provision. 25 Minn. 1.

chapter thirty-eight (38) of the General Statutes. The principal of all funds derived from sales of swamp lands, as aforesaid, shall forever be preserved inviolate and undiminished. One-half ($\frac{1}{2}$) of the proceeds of said principal shall be appropriated to the common school fund of the State. The remaining one-half ($\frac{1}{2}$) shall be appropriated to the educational and charitable institutions of the State in the relative ratio of cost to support said institutions.

Public schools in each township to be established. SEC. 3. The legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the school fund, will secure a thorough and efficient system of public schools in each township in the State.

Prohibition as to aiding sectarian school. But in no case shall the moneys derived as aforesaid, or any portion thereof, or any public moneys or property, be appropriated or used for the support of schools wherein the distinctive doctrines, creeds or tenets of any particular Christian or other religious sect are promulgated or taught.

University of Minnesota—location confirmed. SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred are hereby perpetuated unto the said university; and all lands which may be granted hereafter by Congress, or other donations for said university purposes, shall vest in the institution referred to in this section.

Permanent school funds may be loaned to districts or counties for school purposes. SEC. 5. The permanent school funds of the State may be loaned upon interest at the rate of five (5) per cent per annum to the several counties or school districts of the State, to be used in the erection of county or school buildings. No such loan shall be made until approved by a board consisting of the governor, the state auditor and the state treasurer, who are hereby constituted an investment board for the purpose of the loans hereby authorized; nor shall any such loan be for an amount exceeding three (3) per cent of the last preceding assessed valuation of the real estate of the county or school district receiving the same. The state auditor shall annually, at the time of certifying the state tax to the several county auditors, also certify to each auditor to whose county, or to any of the school districts of whose county, any such loan shall have been made, the tax necessary to be levied to meet the accruing interest or principal of any such loan, and it shall be the duty of every such county auditor forthwith to levy and extend such tax upon all the taxable property of his county, or of the several school districts, respectively, liable for such loans—as the case may be—and in all such cases the tax so assessed shall be fifty (50) per cent in excess of the amount actually necessary to be raised on account of such accruing principal or interest. It shall be levied, collected and paid into the county and state treasuries in the same manner as state taxes, and any excess collected over the amount of such principal or interest accruing in any given year shall be credited to the general funds of the respective counties or school districts. No change of the boundaries of any school

district after the making of any such loan shall operate to withdraw any property from the taxation herein provided for; nor shall any law be passed extending the time of payment of any such principal or interest, or reducing the rate of such interest, or in any manner waiving or impairing any rights of the State in connection with any such loan. Suitable laws, not inconsistent with this amendment, may be passed by the legislature for the purpose of carrying the same into effect. (a)

Investment of permanent school and university funds—approval—bonded indebtedness not to exceed 15 per cent, draw not less than 3 per cent, run not less than 5 nor more than 20 years. SEC. 6. The permanent school and university fund of this state may be invested in the bonds of any county, school district, city, town or village of this state, but no such investment shall be made until approved by the board of commissioners designated by law to regulate the investment of the permanent school fund and the permanent university fund of this state; nor shall such loan or investment be made when the bonds to be issued or purchased would make the entire bonded indebtedness exceed fifteen (15) per cent of the assessed valuation of the taxable real property of the county, school district, city, town or village issuing such bonds; nor shall such loans or indebtedness be made at a lower rate of interest than three (3) per cent per annum, nor for a shorter period than five (5) years, nor for a longer period than twenty (20) years, and no change of the town, school district, city, village or of county lines shall relieve the real property in such town, school district, county, village or city in this state at the time of the issuing of such bonds from any liability for taxation to pay such bonds.

* SEC. 7. Such of the school and other public lands of the state as are better adapted for the production of timber than for agriculture, may be set apart as state school forests, or other state forests, as the legislature may provide, and the legislature may provide for the management of the same on forestry principles. The net revenue therefrom shall be used for the purposes for which the lands were granted to the state.

Power of taxation—legislature may authorize. SECTION 1. The power of taxation shall never be surrendered, suspended or contracted away. Taxes shall be uniform upon the same class of subjects, and shall be levied and collected for public purposes, but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property, and houses of worship, institutions of purely public charity, and public property used exclusively for any public purpose, shall be exempt from taxation, and there may be exempted from taxation personal property not exceeding in value \$200, for each household, individual or head of a family, as the legislature may determine: *Provided*, that the legislature may authorize municipal corporations to levy and collect assessments for local improvements upon property benefited thereby without regard to a cash valuation, and, provided further, that nothing herein contained shall be construed to affect, modify or repeal any existing law providing for the taxation of the gross earnings of railroads.

(a) Chapter 193, G. L. of 1887, made the necessary provision for giving effect to this section.

* Adopted Nov. 3, 1914,

State debt limited—how contracted. SEC. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts but such debts shall never, in the aggregate, exceed \$250,000; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the legislature, to be recorded by yeas and nays on the journals of each house respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed or diminished, until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvements, or be a party in carrying on such works, except in cases where grants of land or other property shall have been made to the State, especially dedicated by the grant to specific purposes, and in such case the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenue derived from such works in aid of their completion.

Issue of bonds for created debt. SEC. 6. All debts authorized by the preceding section shall be contracted by loan on State bonds of amounts not less than five hundred dollars each on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the treasurer, in numerical order, so as always to exhibit the number and amount unpaid and to whom severally made payable.

Limitation as to when debt may be contracted. SEC. 7. The State shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth sections of this article.

Disposition of funds received for bonds. SEC. 8. The money arising from any loan made, or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the repayment of such debt or liability, and to no other purpose whatever.

Money drawn from the State treasury. SEC. 9. No money shall ever be paid out of the treasury of this State except in pursuance of an appropriation by law.

Credit of the State prohibited. SEC. 10. The credit of the State shall never be given or loaned in aid of any individual, association or corporation. Nor shall there be any further issue of bonds denominated "Minnesota State Railroad Bonds," under what purports to be an amendment to section ten (10) of article nine (9) of the Constitution, adopted April fifteenth, eighteen hundred and fifty-eight, which is hereby expunged from the Constitution, saving, excepting and reserving to the State, nevertheless, all rights, remedies, and forfeitures accruing under said amendment.

Publication of receipts and expenditures by treasurer. SEC. 11. There shall be published by the treasurer, in at least one newspaper printed at the seat of government, during the first week in January in each year, and in the next volume of the acts of legislature, detailed statements of all moneys drawn from the treasury during the preceding year, for what purpose and to whom paid, and by what law authorized; and also of all moneys received, and by what authority and from whom.

State school fund—investment—safe keeping—All State funds to be deposited in name of State. SEC. 12. Suitable laws shall be passed by the legislature for the safe-keeping, transfer and disbursements of the State and school funds; and all officers and other persons charged with the same or any part of the same, or the safe keeping thereof, shall be required to give ample security for all moneys and funds of any kind received by them; to make forthwith and keep an accurate entry of each sum received, and of each payment and transfer; and if any of said officers or other persons shall convert to his own use in any manner or form, or shall loan, with or without interest, or shall deposit in his own name, or otherwise than in the name of the State of Minnesota; or shall deposit in banks or with any person or persons, or exchange for other funds or property, any portion of the funds of the State or the school funds aforesaid, except in the manner prescribed by law, every such act shall be and constitute an embezzlement of so much of the aforesaid State and school funds, or either of the same. as shall thus be taken, or loaned, or deposited or exchanged, and shall be a felony; and any failure to pay over, produce or account for the State school funds, or any part of the same entrusted to such officer or persons as by law required on demand, shall be held and be taken to be *prima facie* evidence of such embezzlement.

General banking law—provisions and restrictions. SEC. 13. The legislature may, by a two-thirds vote, pass a general banking law, with the following restrictions and requirements, viz.:

First—The legislature shall have no power to pass any law sanctioning in any manner, directly, or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Second—The legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or State stocks for the redemption of the same in specie; and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third—The stockholders in any corporation and joint association for banking purposes, issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association; and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth—In case of the insolvency of any bank or banking association, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank or association.

Fifth—Any general banking law which may be passed in accordance with this article shall provide for recording the names of all stockholders in such corporation, the amount of stock held by each, the time of transfer, and to whom transferred.

Special provision for a loan for hospital building for insane. SEC. 14. For the purpose of erecting and completing buildings for a hospital for the insane, a deaf, dumb and blind asylum, the state prison, the legislature may by law increase the public debt of the State to an amount not exceeding \$250,000, in addition to the public debt already heretofore authorized by the Constitution; and for that purpose may provide by law for issuing and negotiating the bonds of the State, and appropriate the money only for the purpose aforesaid; which bonds shall be payable in not less than ten nor more than thirty years from the date of the same, at the option of the State.

Superseded by section 15 but not repealed in express terms. SEC. 14. The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds or to become indebted in any manner to aid in the construction or equipment of any or all railroads to any amount that shall exceed ten per centum of the value of the taxable property within such county, township, city, or other municipal corporation; the amount of such taxable property to be ascertained and determined by the last assessment of said property made for the purpose of state and county taxation previous to the incurring of such indebtedness, Nov. 5, 1872.

County, city or township aid to railroads limited. SEC. 15. The legislature shall not authorize any county, township, city, or other municipal corporation to issue bonds, or to become indebted in any manner, to aid in the construction or equipment of any or all railroads to any amount that shall exceed five (5) per centum of the value of the taxable property within such county, township, city, or other municipal corporation. The amount of such taxable property to be ascertained and determined by the last assessment of said property made, for the purpose of state and county taxation, previous to the incurring of such indebtedness.

State Road and Bridge Fund. SEC. 16. For the purpose of lending aid in the construction and improvement of public highways and bridges, there is hereby created a fund, to be known as the "state road and bridge fund," said fund shall include all moneys accruing from the income derived from investments in the internal improvement land fund, or that may hereafter accrue to said fund, and shall also include all funds accruing to any state road and bridge fund however provided.

The legislature is authorized to add to such fund, for the purpose of constructing or improving roads and bridges of this state, by providing, in

its discretion, for an annual tax levy upon the property of this state of not to exceed in any year one mill on all the taxable property within the state. *Provided*, that no county shall receive in any year more than three (3) per cent. or less than one-half ($\frac{1}{2}$) of one (1) per cent of the total fund thus provided and expended during such year.**

ARTICLE X.

OF CORPORATIONS HAVING NO BANKING PRIVILEGES.

Corporations for general purposes. SECTION 1. The term "Corporation," as used in this article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all courts, in like manner as natural persons.

Not to be created by special act. SEC. 2. No corporations shall be formed under special acts, except for municipal purposes.

Liability of Stockholders. SEC. 3. Each stockholder in any corporation excepting those organized for the purpose of carrying on any kind of manufacturing or mechanical business shall be liable to the amount of stock held or owned by him.

Lands may be taken for public use. SEC. 4. Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers enjoying the right of way in pursuance of the provisions of this section, shall be bound to carry the mineral, agricultural and other productions of manufacturers on equal and reasonable terms.

ARTICLE XI.

COUNTIES AND TOWNSHIPS.

County organization. SECTION 1. The legislature may from time to time establish and organize new counties; but no new county shall contain less than four hundred square miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

**Adopted Nov. 5, 1912.

Cities of 20,000 population may be organized into separate counties. SEC. 2. The legislature may organize any city into a separate county, when it has attained a population of 20,000 inhabitants, without reference to geographical extent, when a majority of the electors of the county in which such city may be situated, voting thereon, shall be in favor of a separate organization.

Township organization. SEC. 3. Laws may be passed providing for the organization for municipal and other town purposes, of any congressional or fractional townships in the several counties in the State, *provided* that when a township is divided by county lines or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships for the purposes aforesaid.

Election of county and town officers. SEC. 4. Provisions shall be made by law for the election of such county or township officers as may be necessary.

Local taxation may be authorized. SEC. 5. Any county and township organization shall have such powers of local taxation as may be prescribed by law.

Money drawn from county or town treasuries. SEC. 6. No money shall be drawn from any county or township treasury except by authority of law.

County of Manomin abolished. SEC. 7. That the county of Manomin is hereby abolished, and that the territory heretofore comprising the same shall constitute and be a part of the county of Anoka.

ARTICLE XII.

OF THE MILITIA.

Militia organization. SECTION 1. It shall be the duty of the legislature to pass such laws for the organization, discipline and service of the militia of the State as may be deemed necessary.

ARTICLE XIII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Impeachment and removal from office. SECTION 1. The governor, secretary of state, treasurer, auditor, attorney general, and the judges of the supreme and district courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such case shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this State. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 2. The legislature of this State may provide for the removal of inferior officers from office, for malfeasance or nonfeasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

ARTICLE XIV.

AMENDMENTS TO THE CONSTITUTION.

Amendments to constitution—majority vote of electors voting makes amendment valid. SECTION 1. Whenever a majority of both houses of the legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amendments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection at any general election, and if it shall appear, in a manner to be provided by law, that a majority of all the electors voting at said election shall have voted for and ratified such alterations or amendments, the same shall be valid to all intents and purposes as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately.

Revision of constitution. SEC. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this Constitution, they shall recommend to the electors to vote at the next general election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XV.

MISCELLANEOUS SUBJECTS.

Seat of government. SECTION 1. The seat of government of the State shall be at the city of St. Paul, but the legislature, at their first or any future session, may provide by law for a change of the seat of government by a vote of the people, or may locate the same upon the land granted by Congress for a seat of government to the State; and in the event of the seat of government being removed from the city of St. Paul to any other

place in the State, the capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts, to be organized by the legislature of the State, and of which institution the Minnesota Historical Society shall always be a department.

Residents on Indian lands. SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens, as though they lived in any other portion of the State, and shall be subject to taxation.

Uniform oath at elections. SEC. 3. The legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote.

State seal. SEC. 4. There shall be a seal of the State, which shall be kept by the secretary of state, and be used by him officially, and shall be called the great seal of the State of Minnesota, and shall be attached to all the official acts of the governor (his signature to acts and resolves of the legislature excepted) requiring authentication. The legislature shall provide for an appropriate device and motto for said seal.

State prison location. SEC. 5. The territorial prison, as located under existing laws, shall, after the adoption of this Constitution, be and remain one of the state prisons of the State of Minnesota.

SCHEDULE.

Territorial laws valid in change to State organization. SECTION 1. That no inconvenience may arise by reason of a change from a territorial to a permanent state government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States shall be as valid as if issued in the name of the State.

Territorial laws not repugnant to constitution to be in force. SEC. 2. All laws now in force in the Territory of Minnesota not repugnant to this Constitution shall remain in force until they expire by their own limitation, or be altered or repealed by the legislature.

SEC. 3. All fines, penalties or forfeitures accruing to the Territory of Minnesota shall inure to the State.

Civil rights under territorial government secured in the change to State government. SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a territorial to a permanent state government shall remain valid, and shall pass to and may be prosecuted in the name of the State; and all bonds executed to the governor of the Territory, or to any other officer or court in his or their official capacity, shall pass to the governor or state authority and their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly;

and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts, of whatsoever description, of the Territory of Minnesota, shall inure to and vest in the State of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the State of Minnesota as the same could have been by the Territory of Minnesota. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Minnesota, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Minnesota with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Minnesota, at the time of a change from a territorial to a state government, may be continued and transferred to any court of the State which shall have jurisdiction of the subject matter thereof.

Territorial officers continued until superseded. SEC. 5. All territorial officers, civil or military, now holding their offices under the authority of the United States, or of the Territory of Minnesota shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

First session of State legislature. SEC. 6. The first session of the legislature of the State of Minnesota shall commence on the first Wednesday of December next, and shall be held at the capitol, in the city of St. Paul.

SEC. 7. The laws regulating the election and qualification of all district, county and precinct officers shall continue and be in force until the legislature shall otherwise provide by law.

Constitution submitted to a vote of the people. SEC. 8. The president of this convention shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the governor of the Territory; and if, after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the State, then the governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against the said Constitution, to the president of the United States, to be by him laid before the Congress of the United States.

Representation to congress. SEC. 9. For the purposes of the first election, the State shall constitute one district, and shall elect three members to the House of Representatives of the United States.

First apportionment into legislative districts. SEC. 10. For the purposes of the first election for members of the State Senate and House of Representatives, the State shall be divided into senatorial and representative districts, as follows, viz: First district, Washington county; Second

district, Ramsey county; Third district, Dakota county; Fourth district, so much of Hennepin county as lies west of the Mississippi; Fifth district, Rice county; Sixth district, Goodhue county; Seventh district, Scott county; Eighth district, Olmsted county; Ninth district, Fillmore county; Tenth district, Houston county; Eleventh district, Winona county; Twelfth district, Wabasha county; Thirteenth district, Mower and Dodge counties; Fourteenth district, Freeborn and Faribault counties; Fifteenth district, Steele and Waseca counties; Sixteenth district, Blue Earth and Le Sueur counties; Seventeenth district, Nicollet and Brown counties; Eighteenth district, Sibley, Renville and McLeod counties; Nineteenth district, Carver and Wright counties; Twentieth district, Benton, Stearns and Meeker counties; Twenty-first district, Morrison, Crow Wing and Mille Lacs counties; Twenty-second district, Cass, Pembina and Todd counties; Twenty-third district, so much of Hennepin county as lies east of the Mississippi; Twenty-fourth district, Sherburne, Anoka and Manomin counties; Twenty-fifth district, Chisago, Pine and Isanti counties; Twenty-sixth district, Buchanan, Carlton, St. Louis, Lake and Itasca counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina and Renville, as applied in the preceding section, shall not be deemed to include any territory west of the State line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the territory of either, at the last session of the legislature.

Apportionment of members. SEC. 12. The senators and representatives at the first election shall be apportioned among the several senatorial and representative districts as follows, to-wit:

1st district.....	2	Senators.....	3	Representatives.
2d ".....	3	".....	6	"
3d ".....	2	".....	5	"
4th ".....	2	".....	4	"
5th ".....	2	".....	3	"
6th ".....	1	".....	4	"
7th ".....	1	".....	3	"
8th ".....	2	".....	4	"
9th ".....	2	".....	6	"
10th ".....	2	".....	3	"
11th ".....	2	".....	4	"
12th ".....	1	".....	3	"
13th ".....	2	".....	3	"
14th ".....	1	".....	3	"
15th ".....	1	".....	4	"
16th ".....	1	".....	3	"
17th ".....	1	".....	3	"
18th ".....	1	".....	3	"
19th ".....	1	".....	3	"
20th ".....	1	".....	3	"
21st ".....	1	".....	1	"
22nd ".....	1	".....	1	"
23rd ".....	1	".....	2	"
24th ".....	1	".....	1	"
25th ".....	1	".....	1	"
26th ".....	1	".....	1	"

SEC. 13. The returns from the Twenty-second district shall be made to and canvassed by the judges of election at the precinct of Otter Tail City.

Judicial districts. SEC. 14. Until the legislature shall otherwise provide, the State shall be divided into judicial districts as follows, viz.

The counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis and Lake shall constitute the First judicial district.

The county of Ramsey shall constitute the Second judicial district.

The counties of Houston, Winona, Fillmore, Olmsted and Wabasha shall constitute the Third judicial district.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lacs, Itasca, Pembina, Todd and Cass shall constitute the Fourth judicial district.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower and Freeborn shall constitute the Fifth judicial district.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and all other counties in the State not included within the other districts, shall constitute the Sixth judicial district.

SEC. 15. Each of the foregoing enumerated judicial districts may, at the first election, elect one prosecuting attorney for the district.

First State election. SEC. 16. Upon the second Tuesday, the thirteenth day of October, 1857, an election shall be held for members of the House of Representatives of the United States, governor, lieutenant governor, supreme and district judges, members of the legislature, and all other officers designated in this Constitution, and also for the submission of this Constitution to the people, for their adoption or rejection.

Voters at the first election. SEC. 17. Upon the day so designated as aforesaid every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the State for ten days previous to the day of said election, may vote for all officers to be elected under this Constitution at such election, and also for or against the adoption of this Constitution.

Vote on the constitution. SEC. 18. In voting for or against the adoption of this Constitution, the words, "For Constitution," or "Against Constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this Constitution, on a separate ballot from that cast by him for officers to be elected at said election under this Constitution; and if upon the canvass of the vote so polled it shall appear that there was a greater number of votes polled for than against said Constitution, then this Constitution shall be deemed to be adopted as the Constitution of the State of Minnesota, and all the provisions and obligations of this Constitution, and of the schedule thereunto attached, shall thereafter be valid to all intents and purposes as the Constitution of said State.

Election—how conducted. SEC. 19. At said election the polls shall be opened, the election held, returns made, and certificates issued, in all respects as provided by law for opening, closing and conducting elections and

making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct.

Returns of election. SEC. 20. It shall be the duty of the judges and clerks of election, in addition to the returns required by law for each precinct, to forward to the secretary of the Territory, by mail, immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct and the number of votes polled for and against the adoption of this Constitution.

Canvassing returns. SEC. 21. The returns of said election for and against this Constitution, and for all state officers and members of the House of Representatives of the United States, shall be made, and certificates issued in the manner now prescribed by law for returning votes given for delegates to Congress; and the returns for all district officers, judicial, legislative or otherwise, shall be made to the register of deeds of the senior county in each district, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for delegates to Congress.

SEC. 22. If, upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any State or district officer provided for in this Constitution, and no State organization shall have validity within the limits of the Territory, until otherwise provided for and until a Constitution for a State government shall have been adopted by the people.

ACT OF ADMISSION INTO THE UNION.

An Act for the admission of Minnesota into the Union.
[Passed May 11, 1858.]

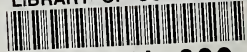
WHEREAS, An act of Congress was passed February twenty-sixth, eighteen hundred and fifty-seven, entitled "An act to authorize the people of the Territory of Minnesota to form a constitution and state government preparatory to their admission into the Union on an equal footing with the original states;" and, whereas, the people of said Territory did, on the twenty-ninth day of August, eighteen hundred and fifty-seven, by delegates elected for that purpose, form for themselves a constitution and state government, which is republican in form, and was ratified and adopted by the people at an election held on the thirteenth day of October, eighteen hundred and fifty-seven, for that purpose; therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the State of Minnesota shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original states in all respects whatever.

SEC. 2. *And be it further enacted,* That said State shall be entitled to two representatives in Congress, until the next apportionment of representatives among the several states.

SEC. 3. *And be it further enacted,* That from and after the admission of the State of Minnesota, as hereinbefore provided, all the laws of the United States which are not locally inapplicable shall have the same force and effect within that State as in other States of the Union; and the said State is hereby constituted a judicial district of the United States, within which a district court, with like powers and jurisdiction as the district court of the United States for the district of Iowa, shall be established; the judge, attorney and marshal of the United States of the said district of Minnesota shall reside within the same, and shall be entitled to the same compensation as the judge, attorney and marshal of the district of Iowa; and in all cases of appeal or writ of error heretofore prosecuted and now pending in the supreme court of the United States, upon any record from the supreme court of Minnesota Territory, the mandate of execution or order of further proceedings shall be directed by the supreme court of the United States to the district court of the United States for the district of Minnesota, or to the supreme court of the State of Minnesota, as the nature of such appeal or writ of error may require; and each of those courts shall be the successor of the supreme court of Minnesota Territory, as to all such cases, with full power to hear and determine the same, and to ward mesne or final process therein.

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